

ARTICLE 1

THE CONSTITUTION OF THE ORDINANCE

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FAIRFAX COUNTY ZONING ORDINANCE

ARTICLE 1

THE CONSTITUTION OF THE ORDINANCE

PART 1 1-100 TITLE

The regulations embraced in this and the following nineteen (19) Articles constitute Chapter 112 of the 1976 Code of the County of Fairfax, Virginia, which shall be designated 'The Zoning Ordinance of Fairfax County, Virginia,' and may be so cited.

PART 2 1-200 PURPOSE AND INTENT

The Zoning Ordinance of Fairfax County, Virginia, is intended to promote the health, safety and general welfare of the public and to implement the adopted comprehensive plan for the orderly and controlled development of the County.

To accomplish these ends, the Zoning Ordinance is designed to give reasonable consideration to each of the following purposes, where applicable:

1. to create and maintain conditions under which people and their environment can exist in a productive and enjoyable harmony while fulfilling the social, economic and other requirements of present and future generations;
2. to facilitate the creation of a convenient, attractive and harmonious community; to provide for adequate light, air, convenience of access and safety from fire, flood, crime and other dangers; and to reduce or prevent congestion in the public streets;
3. to provide for County growth that is consonant with the efficient and economic use of public funds and environmental quality;
4. to recognize the needs of agriculture, housing, industry and business in the County's future growth;
5. to promote the creation and expansion of land uses that will be developed with adequate highway, utility, health, education and recreational facilities;
6. to provide residential areas with healthy surroundings for family life;
7. to protect against destruction of or encroachment upon historic areas;
8. to encourage economic development activities that provide desirable employment and a broad tax base;
9. to promote the conservation of natural resources;
10. to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forestation, scenic vistas, and other similar areas and to ensure that development in such areas is well controlled;
11. to protect against the following: overcrowding of land; undue intensity of noise; air and water pollution; undue density of population in relation to community facilities existing or

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available; obstruction of light and air; danger and congestion in travel and transportation; and loss of life, health, or property from fire, flood, panic or other dangers;

12. to promote the creation and preservation of housing of such type, size and cost suitable for meeting the current and future needs of the County as well as a reasonable proportion of the current and future needs of the planning district in the form of safe, sanitary dwelling units;
13. to encourage innovative and desirable approaches to designed development; and to promote the distinctive sense of urban, suburban and exurban places as well as the sense of community within the County;
14. to protect, not inconsistent with State water quality standards, surface water and ground water as defined by Sect. 62.1-255 of the Code of Virginia;
15. to accomplish all other objectives and exercise all other powers set forth in Article 7, Chapter 22, Title 15.2 of the Code of Virginia.

PART 3 1-300 SEVERABILITY

Should any Section or any provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

PART 4 1-400 CONFLICTING ORDINANCES

Whenever any provision of this Ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or other County ordinance or regulation, the provision of this Ordinance shall govern. Whenever any provision of any State or Federal statute or other County ordinance or regulation imposes a greater requirement or a higher standard than is required by this Ordinance, the provision of such State or Federal statute or other County ordinance or regulation shall govern. In the event a specific provision of this Ordinance precludes the provision of an accessibility improvement, the accessibility improvement shall be allowed regardless of the specific provision of this Ordinance which would otherwise preclude it.

The text of this Zoning Ordinance shall apply to any parcel covered by a previous grant of zoning with proffered conditions pursuant to Sect. 15.2-2303 of Va. Code Ann. except where the imposition of the requirements of this Ordinance would be in conflict with a specific proffered condition which would supersede the requirements of this Ordinance pursuant to the 1977 amendment to Sect. 15.2-2303 of Va. Code Ann. Provided, however, when a specific proffered condition precludes the provision of an accessibility improvement, such improvement shall be allowed regardless of the specific proffered condition which would otherwise preclude it.

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PART 5 1-500 MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not the intent of this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use and dimensions of buildings or premises, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern, except where expressly qualified by this Ordinance.

PART 6 1-600 EFFECTIVE DATE

The Zoning Ordinance of Fairfax County, Virginia, as herein presented, was adopted on June 12, 1978 and became effective at 12:01 AM on August 14, 1978, at which time the Zoning Ordinance of the County of Fairfax, Virginia, adopted July 22, 1959, and recodified May 19, 1965, as amended, was repealed. Upon its effective date, this Ordinance became Chapter 112 of the 1976 Code of the County of Fairfax, Virginia.

Unless otherwise qualified herein, the term effective date when used in this Ordinance shall be deemed to be August 14, 1978 or the effective date of an applicable amendment thereto.

PART 7 1-700 COPY ON FILE

A certified copy of the Zoning Ordinance of Fairfax County, Virginia, as may be amended from time to time, shall be filed in the Office of the Zoning Administrator of Fairfax County and in the Office of the Clerk to the Board of Supervisors.

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